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PATENT
Attorney Docket 061525-5023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Wilson Burgess et al.**

Application No. **10/024,043**

Filed: **December 21, 2001**

For: **Method of Sterilizing Heart Valves**

Group Art Unit: **1651**

Examiner: **Vera Afremova**

U.S. Patent and Trademark Office
Customer Window, **Mail Stop AF**
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

TRANSMITTAL FORM

- Transmitted herewith is a Notice of Appeal in response to the Final Office Action dated February 20, 2004.
- Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicants petition for a three-month extension of time from May 20, 2004 to August 20, 2004, the fee for a small entity which is **\$475.00** as set out in 37 C.F.R. § 1.17(a). The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. § 1.16 and § 1.17, or credit any overpayment to Deposit Account 50-0310.
- Fee Calculation (37 C.F.R. § 1.16):

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	106	minus	290	0	\$18 each=	0.00
Independent Claims	2	minus	8	0	\$86 each=	0.00
First presentation of Multiple dependent claim					\$290.00	0.00
Sub-total =						0.00
Reduction by ½ for filing by a small entity						0.00
Total Fee =						0.00

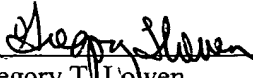
08/23/2004 HVUONG1 00000008 500310 10024043
02 FC:2253 475.00 DA

- Fee Payment: The Commissioner is hereby authorized to charge **\$640.00** to Deposit Account No. 50-0310 for payment of the three-month extension of time fee (\$475.00) and the Notice of Appeal Fee (\$165.00).
- Constructive Petition: **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This

paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **August 20, 2004**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP



Gregory T. Lowen
Registration No. 46,882



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Attorney Docket 061525-5023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Wilson Burgess *et al.***)
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Application No. **10/024,043**) Group Art Unit: **1651**
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Filed: **December 21, 2001**) Examiner: **Vera Afremova**
)
For: **Method of Sterilizing Heart Valves**)

NOTICE OF APPEAL TO BOARD OF PATENT APPEALS & INTERFERENCES

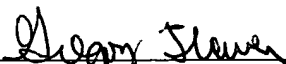
Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated February 20, 2004 of the Examiner finally rejecting claims 2, 3, 6 to 14, 27, 28, 39 to 41, 50 to 52 and 81 to 88.

The Commissioner is hereby authorized to charge **\$165.00** to Deposit Account No. 50-0310 for payment of the Notice of Appeal fee at the small entity rate as set forth on the accompanying transmittal form.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **August 20, 2004**
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Respectfully submitted,
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01 FC:2401 165.00 DA